

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 07-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

APV31827

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/511339**

INTERNATIONAL APPLICATION NO.

**PCT/EP03/03925**

INTERNATIONAL FILING DATE

**14 April 2003**

PRIORITY DATE CLAIMED

**18 April 2002**

TITLE OF INVENTION

**BARRIER ELEMENT**

APPLICANT(S) FOR DO/EO/US

**Joseph Peter Hubert Maria MERTENS**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

**Notice of Claim for Priority  
Cover Sheet for WO 03/087480  
Application Data Sheet**

|   |              |  |           |  |    |  |
|---|--------------|--|-----------|--|----|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/511339</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP03/03925</b> |           | ATTORNEY'S DOCKET NUMBER<br><b>APV31827</b>  |    |  |
| 24. The following fees are submitted:<br><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :</b><br><input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1110.00</b><br><input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$950.00</b><br><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$790.00</b><br><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$750.00</b><br><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |  |           | <b>CALCULATIONS PTO USE ONLY</b><br><br><table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="height: 100px;"></td></tr> </table> |    |  |
|   |              |  |           |  |    |  |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30  |              |  |           | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> </table>  |    |  |
|   |              |  |           |  |    |  |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA   | RATE      |  |    |  |
| Total claims  | 4 - 20 =     | 0  | x \$18.00 | <b>\$0.00</b>  |    |  |
| Independent claims  | 1 - 3 =      | 0  | x \$88.00 | <b>\$0.00</b>  |    |  |
| Multiple Dependent Claims (check if applicable). <input type="checkbox"/>   |              |  |           | <b>\$0.00</b>  |    |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |  |           | <b>\$930.00</b>  |    |  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |           | <b>\$0.00</b>  |    |  |
| <b>SUBTOTAL =</b>   |              |  |           | <b>\$930.00</b>  |    |  |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 +   |              |  |           | <b>\$0.00</b>  |    |  |
| <b>TOTAL NATIONAL FEE =</b>   |              |  |           | <b>\$930.00</b>  |    |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>  |              |  |           | <b>\$0.00</b>  |    |  |
| <b>TOTAL FEES ENCLOSED =</b>  |              |  |           | <b>\$930.00</b>  |    |  |
|   |              |  |           | Amount to be: refunded   | \$ |  |
|   |              |  |           | charged  | \$ |  |

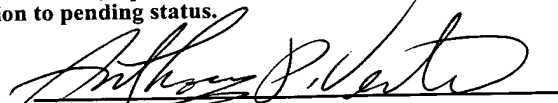
- a. ☒ A check in the amount of **\$930.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **19-4375**
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

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 SIGNATURE

**Anthony P. Venturino**  
 NAME

**31,674**

REGISTRATION NUMBER

**Oct. 15, 2004**  
 DATE